

Overview of the SAB Panel Formation Process

A. About the Science Advisory Board

The EPA Science Advisory Board (SAB) has played a unique role in environmental protection for more than twenty-five years. Congress authorized it to provide independent advice and peer review to EPA's Administrator on the scientific and technical aspects of environmental problems and issues. Sometimes the Board also provides advice to Congressional Committees, at their request. A striking example of this advice is the Board's annual report at the House Science Committee's Hearing on the Agency's Science and Technology Budget Request.

The Board strives to produce advice that is technically and scientifically sound, independent, balanced, and useful to the Agency. All the processes and procedures the SAB uses, from the choice of members for panels, to choice of projects, to involvement of the public, to development of reports aim to achieve these goals.

The scope of the Board is potentially as wide as the scientific and technical issues associated with environmental problems. To set priorities among those issues and many possible issues the Board might address, the SAB's Executive Committee has chosen as its mission "to make a positive difference in the production and use of science at EPA." The Board uses a set of criteria to assess where potential contributions might be most effective and it works with the Agency to set priorities for the Board's work. The Board seeks to maintain a balance between working with the Environmental Protection Agency to support its mission and goals and maintaining the independence necessary to bring the Agency new information, knowledge, and critical advice.

The Board provides advice in a variety of ways. It issues written peer review reports of Agency documents. It writes "Advisory Reports," when it has reviewed an Agency work-in-progress. It initiates "Commentaries" or more extensive original reports on topics that Members believe to be important to environmental protection. It provides the Agency an opportunity for "Consultations" at the earliest stages of development of a project to gain insights from independent Members and Consultations. Finally, it hosts workshops on important scientific issues, where the Board itself does not provide advice, but instead sponsors meetings where the Agency can be stimulated by the work of highly qualified technical people.

The SAB houses administratively three separately chartered federal advisory committees (the Board itself, the Clean Air Scientific Advisory Committee, and the Advisory Council on Clean Air Compliance Analysis) that report directly to the Administrator. The Administrator appoints the approximately 100 Members who serve on the Board's Executive Committee, on all its standing committees, and on the two other separately chartered federal advisory committees

mentioned earlier. When the Board decides to take on special projects of interest to the Agency that require establishment of *ad hoc* panels, the expertise of Members is augmented, if necessary, by the appointment of consultants with specialized expertise, knowledge and experience. All SAB standing committees and *ad hoc* panels hold public meetings to develop their advice. The advice developed by these groups is always reviewed and approved by the chartered advisory committees in public meetings, before their reports are forwarded to the Administrator.

The EPA SAB is a federal advisory committee, subject to the Federal Advisory Committee Act provisions that require balance and ensure contemporaneous public access and public input into the advisory processes. The Members and Consultants of the Board serve as Special Government Employees, who are subject to the Ethics in Government Act of 1978.

This booklet provides a general introduction to the SAB and one key part of its advisory process: forming advisory panels and making decisions about bias and conflict of interest. Although each SAB project is different, the process for developing advice has the same basic elements. In addition to this booklet that focuses on panel formation, the SAB also plans to develop companion documents that will give an overview of the other key steps in the advisory process: choosing projects; panel deliberations and report writing; the respective roles of the Executive Committee, standing committees, and special panels; the role of the SAB Staff; and communication.

The Board will provide more detailed information on each of those topics specifically for panel chairs; members of the public interested in participating in the SAB advisory process, and Agency staff interested in working with the SAB on topics of concern to them.

B. The Panel Formation Process, Including Consideration of Bias and Conflict of Interest

The advice provided by the SAB is developed either by *ad hoc* panels established to address specific topics or standing committees augmented with special expertise provided by SAB consultants. EPA's Office of the Science Advisory Board Staff is responsible for forming expert panels. Staff work to ensure that process for forming the panel complies with the requirements of the Federal Advisory Committee Act and the Ethics in Government Act. Staff also have responsibility for ultimately selecting the panel and act with input and oversight from SAB Members.

EPA Staff have adopted a process that will inform the public about each panel as it is being formed. This process will inform and involve the public in a step-by-step process, as outlined in the diagram below.

Stages in Panel Formation at EPA's Science Advisory Board



Kickoff: EPA SAB Staff work with SAB Members to understand “What expertise is needed to address the charge?”



Widecast: EPA SAB Staff ask: “Who should be considered for the panel?” They solicit nominations from SAB Members and Consultants and the public.



Short List: EPA SAB Staff works with SAB Members to determine: “Which candidates do we propose to serve on the panel?” SAB Staff then ask the public “Is there information or analysis that would argue against any of these individuals serving on this panel?” and search independently for background information on candidates.



Panel Selection: EPA SAB Staff determine and document: “Who will serve on the panel?”

The search for candidates for an SAB panel begins in the “**Kickoff**” stage, when the EPA Executive Committee and the SAB Staff decide to begin a project that has a well-developed charge. The charge to the Board, which will focus the work of a panel or standing committee, is the formal statement of the questions to be addressed. This statement generally defines the scope, problems, and issues to be examined. The charge needs to be sufficiently detailed that it is clear what kinds of expertise are needed. The goal of the panel formation process is to assemble a panel to address the charge.

1 Bias and conflict of interest are
2 important considerations in selecting
3 members of a panel. The SAB's approach is
4 similar to that taken by the National Academy
5 of Science.

6
7 Recognizing that each individual who
8 is knowledgeable about a subject brings his or
9 her own biases and experiences to any panel
10 effort, the SAB has adopted specific
11 procedures to avoid conflict of interest,
12 ensure impartiality, and achieve appropriate
13 balance.

14
15 In the "**Wide-Cast**" phase, the SAB
16 requests the public to nominate potential
17 panel members. This request aims to get
18 public assistance in identifying experts with
19 broad range of views and expertise for
20 addressing the charge.

21
22 In the "**Short List**" phase, SAB Staff
23 screen "wide-cast candidates" to identify a
24 "short list" of potential panel members.
25 Individuals are identified as panel members
26 on the basis of their expertise, knowledge,
27 and experience in the various aspects of the
28 topic to be investigated; their scientific
29 credibility and impartiality; their skills in
30 working in committees, especially on
31 advisory panels; and their interest and availability to serve. The SAB proposes this "short list"
32 of candidates that, taken overall, include all necessary domains of knowledge, all relevant
33 scientific perspectives, and the appropriate balance involving breadth of experience and social
34 diversity needed to address the charge.

35
36 All candidates are required to submit a "Confidential Financial Disclosure Form for
37 Special Government Employees Serving on Federal Advisory Committees at the U.S.
38 Environmental Protection Agency." On that form they list all professional, consulting, and
39 financial connections, including research funding, as well as describe any other reasons a
40 reasonable person with knowledge of the relevant facts would question their impartiality in the
41 matter being addressed. SAB staff reviews the confidential form in detail and confers with
42 candidates to understand their qualifications and ability to provide impartial advice. The result of
43 these deliberations is the list of names and biosketches of "Short List" candidates that are posted

**From National Academy of Science
Brochure
Getting to Know the Committee Process,
(Page 9)**

Committee members serve as individuals, not as representatives of organizations or interest groups. Each person is selected on the basis of his or her expertise and good judgment, and is expected to contribute accordingly to the study.

The credibility of a report can be weakened if the committee that produced it is perceived to be biased. Potential sources of bias and conflict of interest are significant issues that are taken into consideration in the selection of committee members and are re-examined periodically throughout the study.

1 on the SAB Website. An important part of the “Short List” phase is public involvement. The
2 SAB Staff asks the public to provide the Board information or analysis that would argue against
3 any of these individuals serving on this panel.
4

5 SAB Staff decides who will serve on the panel in the “**Panel Selection**” Phase. In that
6 phase, SAB Staff completes its review of information regarding conflicts of interest, appearance
7 of impartiality, and appropriate balance and breadth needed to address the charge. They review
8 all the information provided by candidates, along with any other information that the public may
9 provide in response to the posting of information about the prospective panel on the SAB
10 website during the “Short List Phase,” and information gathered by SAB Staff independently on
11 the background of each candidate. SAB Staff document the rationale underlying the selection of
12 each panel in a “Panel Selection” document.
13

14 A major goal is to avoid conflict of interest and appearances of impartiality, whenever
15 possible. EPA’s SAB Staff determines, as the Ethics in Government Act of 1978 requires,
16 whether there is a statutory conflict between a candidate’s public responsibilities and private
17 interests and activities or the appearance of impartiality, as defined by federal ethics regulations.
18 If a potential conflict becomes apparent, the SAB staff may choose not to appoint the candidate
19 to the panel. In certain circumstances, an individual may serve on the panel if the Staff, working
20 in consultation with SAB Members and legal Counsel at the Environmental Protection Agency,
21 determines and documents that the need for the individual’s service outweighs the conflict of
22 interest. The SAB Staff will document the determination in a waiver letter. Information about
23 conflicts of interest is also reviewed annually, at a minimum, by SAB Staff. In addition,
24 Members and Consultants are required by law to inform SAB Staff at any time if they learn of
25 conflicts arising that may affect their participation on an SAB panel.
26

27 The SAB’s process for panel formation has been designed for three purposes: to help the
28 Board meet EPA’s legal requirements; to be transparent to the public, so the public can
29 understand and participate in the process; and to help the Board fulfill its mission. The Board
30 can only fulfill its mission by assembling panels of individuals who will provide useful, timely
31 advice that is technically and scientifically sound, independent, and balanced. The SAB will
32 refine details of the panel formation process over time, based on the advice of its Executive
33 Committee, the Agency, and members of the public interested in the Board and its work.